

The opinion in support of the decision being entered today was *not* written  
for publication and is *not* binding precedent of the Board

Filed by: Trial Section Merits Panel  
Mail Stop INTERFERENCE  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
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Paper No. 74

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

**JAY K. BASS, JOHN F. McENTEE,**  
**TIM J. LAZARUK, MARYAM MOBED-MIREMADI,**  
**and BRENT T. TOLOSKO**  
Junior Party  
(Patent 6,790.620)<sup>1</sup>

v.

**MARTIN GOLDBERG, MARTIN DIGGELMAN, EARL HUBBELL**  
**GLENN McGALL, NAM QUOC NGO, MACDONALD MORRIS,**  
**MEL YAMAMOTO, JENNIFER TAN and RICHARD P. RAVA**  
Senior Party  
(Application 11/224,052)<sup>2</sup>

Patent Interference No. 105,424

Before LEE, MEDLEY and MOORE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

<sup>1</sup> Based on Application 10/035,787, filed December 24, 2001. The real party in interest is Agilent Technologies, Inc.

<sup>2</sup> Filed September 13, 2005. Accorded the benefit of Application 10/722,032, filed November 25, 2003, Application 09/716,507, filed November 20, 2000, Application 09/244,568, filed February 4, 1999, and Application 08/634,053, filed April 17, 1996. The real party in interest is Affymetric, Inc.

Interference No. 105,424  
Bass v. Goldberg

**Judgment - Merits -- Bd. R. 127**

In a decision on motions dated May 7, 2007, the Board has determined that all of party Goldberg's claims corresponding to the count, i.e., application claims 1-3, are unpatentable under 35 U.S.C. § 112, first paragraph, for lack of written description. Consequently, Goldberg is without standing to proceed further in this interference. It is now time appropriate to enter judgment against party Goldberg. It is

**ORDERED** that judgment as to the subject matter of the count is herein entered against the senior party MARTIN GOLDBERG, MARTIN DIGGELMAN, EARL HUBBELL, GLENN McGALL, NAM QUOC NGO, MACDONALD MORRIS, MEL YAMAMOTO, JENNIFER TAN and RICHARD P. RAVA;

**FURTHER ORDERED** that senior party MARTIN GOLDBERG, MARTIN DIGGELMAN, EARL HUBBELL, GLENN McGALL, NAM QUOC NGO, MACDONALD MORRIS, MEL YAMAMOTO, JENNIFER TAN and RICHARD P. RAVA is not entitled to a patent containing its application claims 1-3;

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**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

**FURTHER ORDERED** that a copy of this judgment be placed in the respective involved application or patent of the parties.

<u>/Jameson Lee/</u>	)	
JAMESON LEE	)	
Administrative Patent Judge	)	
	)	
<u>/Sally C. Medley/</u>	)	BOARD OF PATENT
SALLY C. MEDLEY	)	
Administrative Patent Judge	)	APPEALS AND
	)	
	)	INTERFERENCES
<u>/James T. Moore/</u>	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

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Bass v. Goldberg

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**Townes, Yolunda**

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Judgment – Merits – Bd.R. 127

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